

# Calendar No. 476

89TH CONGRESS }  
1st Session }

SENATE

{  
REPORT  
No. 492

AUTHORIZING THE SECRETARY OF THE INTERIOR TO GIVE TO THE INDIANS OF THE PUEBLOS OF ACOMA, SANDIA, SANTA ANA, AND ZIA THE BENEFICIAL INTEREST IN CERTAIN FEDERALLY OWNED LANDS HERETOFORE SET ASIDE FOR SCHOOL OR ADMINISTRATIVE PURPOSES

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JULY 20, 1965.—Ordered to be printed

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Mr. ANDERSEN, from the Committee on Interior and Insular Affairs, submitted the following

## REPORT

[To accompany S. 1904]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 1904) to authorize the Secretary of the Interior to give to the Indians of the Pueblos of Acoma, Sandia, Santa Ana, and Zia the beneficial interest in certain federally owned lands heretofore set aside for school or administrative purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

On page 2, line 1, after the word "lands" insert the words "and improvements".

On page 2, line 21, after the word "lands" insert the words "and improvements".

### PURPOSE

The purpose of S. 1904, introduced by Senators Anderson and Montoya, is to authorize the Secretary of the Interior to give in trust to the Pueblos of Acoma, Sandia, Santa Ana, and Zia in New Mexico the beneficial interest in certain federally owned lands and improvements when they are no longer needed. The lands (approximately 435 acres) were set aside for school or administrative use. The value of the lands and improvements is approximately \$31,000.

The property to be donated is described as follows:

*Acomita day school site, Acoma Pueblo*

This tract, comprising 3.5 acres within the pueblo grant, was acquired through condemnation proceedings in the U.S. District

Court for the District of New Mexico in 1920 at a cost of \$350 for the construction of a school building. The land was never used for school purposes. A revocable permit was given to the Pueblo of Acoma, which authorized the pueblo to use the tract for agricultural purposes. The present estimated value of the land is \$560.

*Sandia School site, Sandia Pueblo*

This day school site comprising 0.63 acre, more or less, was acquired by the United States in 1930 at a cost of \$126 through condemnation proceedings. It was acquired as a site upon which to erect Government buildings for the use and training of Indians attending the school at the Sandia Pueblo. The operation of a day school at this pueblo was discontinued on July 1, 1960, and the Sandia children now attend public school. The present estimated value, including improvements, is \$14,227. These improvements consist of one school building and teacher's quarters, pumphouse, storage building, warehouse, building for bathhouse, garage, dispensary, and sewer and water system. Under a revocable permit the Sandia Indians use the buildings on this site for a meeting place for the tribal council and for other community gatherings as the need arises. A portion of the school site will continue to be used for a health clinic and a school for Public Health Indian sanitarian aids, and no conveyance of land or buildings used for these purposes will be made to the tribe without the approval of the U.S. Public Health Service.

*Santa Ana school site, Santa Ana Pueblo*

This day school site is situated in the El Ranchito grant of the Santa Ana Pueblo and was acquired by the United States in 1920 at a cost of \$140.50 through condemnation proceedings. It was acquired as a site upon which to construct a school building for the Indians of the Pueblo of Santa Ana. The operation of a day school at Santa Ana Pueblo was discontinued on July 1, 1960. Since that time the Santa Ana Indian children have been attending public school. The present estimated value of this land, including improvements, is \$13,747. The improvements located on this former school site consist of a school and quarters building, storage building, garage and storage building, bath and storage building, a pumphouse, and the water and sewer system. Under a revocable permit covering the use of all buildings and facilities at the Santa Ana Day School site, issued on August 28, 1960, the Pueblo of Santa Ana plans to use the school site as a meeting place for the tribal council and for other community gatherings as the need arises. A portion of the school site is being used by the Public Health Service as a location for its clinic. No conveyance of land or clinic buildings will be made to the tribe without the approval of the U.S. Public Health Service.

The United States holds title to the minerals in the El Ranchito grant, which embraces the school site, and it is not proposed to convey the minerals in this parcel of 2.81 acres.

*Administrative site in Borrego grant, Zia Pueblo*

This administrative site in the Borrego grant comprises 428 acres, more or less. The entire Borrego grant in Sandoval County, N. Mex., was purchased by the United States in the submarginal land purchase project. Jurisdiction of the Borrego grant was transferred from the Department of Agriculture to the Department of the Interior in 1938.

All of the Borrego grant, excluding minerals and excepting this administrative site of 428 acres, became trust land of the Pueblo of Zia pursuant to the act of August 13, 1949 (63 Stat. 604). The entire Borrego grant of 16,079.80 acres was purchased by the Government for \$68,239.40, or an average per acre cost of \$3. This would make the cost of the administrative site \$1,284. There are no improvements on the site. The Borrego grant is used by members of the Pueblo of Zia for livestock grazing purposes and the administrative site would likewise be used for livestock grazing. The present estimated fair market value of this administrative site is \$2,568.

The United States holds title to the minerals in the remainder of the Borrego grant, and it is proposed to retain the minerals in the administrative site.

#### AMENDMENTS

The committee has adopted two perfecting amendments to make clear that improvements will also be given to the Indians, and that the value of such improvements can be considered for set-off purposes by the Indian Claims Commission.

#### DEPARTMENTAL REPORT

The favorable report of the Department of the Interior, dated June 23, 1965, is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., June 23, 1965.

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: This responds to your request for a report on S. 1904, a bill to authorize the Secretary of the Interior to give to the Indians of the Pueblos of Acoma, Sandia, Santa Ana, and Zia the beneficial interest in certain federally owned lands heretofore set aside for school or administrative purposes.

We recommend that the bill be enacted.

S. 1904 authorizes the Secretary of the Interior to declare that the United States holds in trust for the Pueblos of Acoma, Sandia, Santa Ana, and Zia, four parcels of land, containing approximately 434.94 acres, excluding minerals in two of the parcels, when such lands are not needed for the administration of Indian affairs. The 428 acres in the Borrego grant were reserved for an administrative site for the Zia Pueblo; the rest of the land was acquired by the U.S. Government by condemnation for school purposes.

#### ACOMITA DAY SCHOOL SITE, ACOMA PUEBLO

This tract, comprising 3.5 acres, more or less, in Valencia County, N. Mex., was acquired through condemnation proceedings in the U.S. District Court for the District of New Mexico in 1920 at a cost of \$350. It is near Acomita within the Acoma Pueblo grant. This parcel was acquired as a site for the construction of a school building. The land was apparently never used for school purposes, however, as the day school was finally erected some distance away. In 1947 a

revocable permit was given to the Pueblo of Acoma, which authorized the pueblo to use the tract for agricultural purposes and to assign the use to such members of the Acoma Pueblo as the council may designate. Prior to the revocable permit, the land had been farmed for many years by a member of the pueblo in accordance with an understanding reached with agency officials. The present estimated value of the land is \$560.

#### SANDIA SCHOOL SITE, SANDIA PUEBLO

This day school site comprising 0.63 acre, more or less, was acquired by the United States in 1930 at a cost of \$126 through condemnation proceedings. It was acquired as a site upon which to erect Government buildings for the use and training of Indians attending the school at the Sandia Pueblo. The operation of a day school at this pueblo was discontinued on July 1, 1960, and the Sandia children now attend public school. The present estimated value, including improvements, is \$14,227. These improvements consist of one school building and teacher's quarters, pumphouse, storage building, warehouse, building for bathhouse, garage, dispensary, and sewer and water system. A revocable permit covering the use and occupancy of all buildings and facilities was issued to the Pueblo of Sandia on August 12, 1960, for a period of 5 years from September 1, 1960. The Sandia Indians use the buildings on this site for a meeting place for the tribal council and for other community gatherings as the need arises. A portion of the school site is being used for a health clinic, and a school for Public Health Indian sanitarian aids was moved to this location on June 15, 1960. The Public Health Service will, of course, continue its clinic and school at this location, and no conveyance of land or buildings used for these purposes will be made to the tribe without the approval of the U.S. Public Health Service.

#### SANTA ANA SCHOOL SITE, SANTA ANA PUEBLO

This day school site is situated in the El Ranchito grant of the Santa Ana Pueblo and was acquired by the United States in 1920 at a cost of \$140.50 through condemnation proceedings. It was acquired as a site upon which to construct a school building for the Indians of the Pueblo of Santa Ana. The operation of a day school at Santa Ana Pueblo was discontinued on July 1, 1960. Since that time the Santa Ana Indian children have been attending public school. The present estimated value of this land, including improvements, is \$13,747. The improvements located on this former school site consist of a school and quarters building, storage building, garage and storage building, bath and storage building, a pumphouse, and the water and sewer system. A revocable permit covering the use of all buildings and facilities at the Santa Ana Day School site was issued on August 28, 1960, to the Pueblo of Santa Ana for temporary use and occupancy for a period of 5 years from September 1, 1960. The Pueblo of Santa Ana plans to use the school site as a meeting place for the tribal council and for other community gatherings as the need arises. The school building is being used for these purposes at the present time. A portion of the school site is being used by the Public Health Service as a location for its clinic. No conveyance of land or clinic buildings will be made to the tribe without the approval of the U.S. Public Health Service.



As the United States holds title to the minerals in the El Ranchito grant, which embraces the school site, it is not proposed to convey the minerals in this parcel of 2.81 acres. This case differs from the preceding two cases, where the pueblo rather than the United States owns the minerals in the adjacent lands.

#### ADMINISTRATIVE SITE IN BORREGO GRANT, ZIA PUEBLO

This administrative site in the Borrego grant comprises 428 acres, more or less. The entire Borrego grant in Sandoval County, N. Mex., was purchased by the United States in the submarginal land purchase project. Jurisdiction of the Borrego grant was transferred from the Department of Agriculture to the Department of the Interior by Executive Order No. 7792, dated January 18, 1938. All of the Borrego grant, excluding minerals and excepting this administrative site of 428 acres, became trust land of the pueblo of Zia pursuant to the act of August 13, 1949 (63 Stat. 604). The entire Borrego grant of 16,079.80 acres was purchased by the Government for \$68,239.40, or an average per acre cost of \$3. This would make the cost of the administrative site \$1,284. There are no improvements on the site. The Borrego grant is used by members of the pueblo of Zia for livestock grazing purposes and the administrative site would likewise be used for livestock grazing. It is not being used by the Government, and we have no future plans for its use. The present estimated fair market value of this administrative site is \$2,568.

The interior of the Borrego grant does not have a sectional survey. Pursuant to section 1 of the act of August 13, 1949, however, the description of this administrative site, when determined by a survey, will be published in the Federal Register.

The United States holds title to the minerals in the remainder of the Borrego grant, and it is proposed to retain the minerals in the administrative site. As these lands are excess to our needs and the Indians have been using the Acomita Day School site under permit since 1947, the Sandia School site and the Santa Ana School site since 1960, and can make effective use of the administrative site embraced within trust lands used by the Indians for grazing purposes, it would be in the best interest of both the U.S. Government and the Indians to have the lands restored to them. By this action the Government will be relieved of further responsibility for maintaining the buildings no longer needed and at the same time the Indians will receive trust title and assume responsibility for lands and buildings that can be used by them to good advantage.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, Jr.,  
*Under Secretary of the Interior.*

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